

Appl. No. 10/027,647  
Atty Docket No. AA511  
Response dated March 16, 2005  
Reply to Office Action dated December 16, 2004

## **REMARKS**

### **I. Introduction.**

Claims 1-8 and 12-18 are pending and stand rejected.

Claims 1, 7, 14 and 15 have been amended to add the requirement that a vibration buffer is located between the scrubbing surface and the electromechanical motor. Support for the amendment is found, at least on page 9, lines 6-23 and Fig. 1 of Applicants' specification.

### **II. The 35 U.S.C. Section 102(b) Rejections.**

#### **The Rejection of Claim 14 as being anticipated by deBlois et al., as evidenced by Palaikis**

Claim 14 has been rejected under 35 U.S.C. Section 102(b) as being anticipated by U.S. Patent 5,978,999 issued to deBlois et al. (hereinafter "deBlois") as evidenced by U.S. Patent 5,507,968 issued to Palaikis (hereinafter "Palaikis"). Applicants respectfully traverse this rejection since all elements of the claimed invention are not disclosed by deBlois. Specifically, deBlois does not disclose "a vibration buffer located between said scrubbing surface and said electromechanical motor," as required by amended claim 14.

Neither reference discloses such a feature. As a result, Applicants contend that Claim 14 is novel and that the rejection under 35 U.S.C. 102(b) should be withdrawn.

### **III. The 35 U.S.C. Section 103(a) Rejections.**

#### **A. The Rejection of Claims 1, 5-8, 12 and 13 over deBlois in view of Stima or Palaikis**

Claims 1, 5-8, 12 and 13 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over deBlois, et al. in view of either U.S. Patent 4,793,019 issued to Stima et al. (hereinafter "Stima") or Palaikis. Applicants respectfully traverse this rejection. The combination of deBlois and either Stima or Palaikis does not establish a *prima facie* case of obviousness because it does not teach or suggest all of Applicants' claim limitations. Therefore, Applicants contend that the claimed invention is unobvious and that the rejection should be withdrawn.

The combination of deBlois and either Stima or Palaikis does not teach or suggest all of Applicants' claim limitations and therefore, does not establish a *prima facie* case of obviousness

Appl. No. 10/027,647  
Any Docket No. AA511  
Response dated March 16, 2005  
Reply to Office Action dated December 16, 2004

(see MPEP 2143.03). Specifically, the combination of references does not teach or suggest a vibration buffer located between the scrubbing surface and the electromechanical motor, as claimed by Applicants. The device disclosed by deBlois does not include such a feature. Stima and Palaikis do not disclose motorized devices at all. As explained in Applicants' specification, a vibration buffer may significantly enhance the amount of time which the device can be comfortably used and may significantly also reduce the noise level of the device during use. The combination of references does not teach or suggest such a feature. Therefore, the combination of deBlois and either Stima or Palaikis does not teach or suggest all of the limitations of Applicants' claims 1, 5-8, 12 and 13. Since a *prima facie* case of obviousness has not been established, Applicants respectfully contend that this rejection should be withdrawn.

**B. The Rejection of Claims 1-3 and 5-8 over Root in view of deBlois and either Stima or Palaikis.**

Claims 1-3 and 5-8 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent 5,870,790 to Root et al. (hereinafter "Root") in view of deBlois and further in view of either Stima or Palaikis. Applicants respectfully traverse this rejection. The combination of Root, deBlois and either Stima or Palaikis does not establish a *prima facie* case of obviousness because it does not teach or suggest all of Applicants' claim limitations. Therefore, Applicants contend that the claimed invention is unobvious and that the rejection should be withdrawn.

The combination of Root, deBlois and either Stima or Palaikis does not teach or suggest all of Applicants' claim limitations and therefore, does not establish a *prima facie* case of obviousness (see MPEP 2143.03). Specifically, the combination of references does not teach or suggest a vibration buffer located between the scrubbing surface and the electromechanical motor, as claimed by Applicants. The device disclosed by Root does not include such a feature. Neither does deBlois. Stima and Palaikis do not disclose motorized devices at all. As explained in Applicants' specification, a vibration buffer may significantly enhance the amount of time which the device can be comfortably used and may significantly also reduce the noise level of the device during use. The combination of references does not teach or suggest such a feature. Therefore, the combination of Root, deBlois and either Stima or Palaikis does not teach or suggest all of the limitations of Applicants' claims 1-3 and 5-8. Since a *prima facie* case of obviousness has not been established, Applicants respectfully contend that this rejection should be withdrawn.

Appl. No. 10/027,647  
Atty Docket No. AA511  
Response dated March 16, 2005  
Reply to Office Action dated December 16, 2004

**C. The Rejection of Claims 1 and 4-8 over Henriquez in view of deBlois and Palaikis.**

Claims 1 and 4-8 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent 5,649,334 issued to Henriquez et al. (hereinafter "Henriquez") in view of deBlois in view of Palaikis. Applicants respectfully traverse this rejection. The combination of Henriquez, deBlois and Palaikis does not establish a *prima facie* case of obviousness because it does not teach or suggest all of Applicants' claim limitations. Therefore, Applicants contend that the claimed invention is unobvious and that the rejection should be withdrawn.

The combination of Henriquez deBlois and Palaikis does not teach or suggest all of Applicants' claim limitations and therefore, does not establish a *prima facie* case of obviousness (see MPEP 2143.03). Specifically, the combination of references does not teach or suggest a vibration buffer located between the scrubbing surface and the electromechanical motor, as claimed by Applicants. The device disclosed by Henriquez does not include such a feature. Neither does deBlois. Palaikis does not disclose a motorized device at all. As explained in Applicants' specification, a vibration buffer may significantly enhance the amount of time which the device can be comfortably used and may significantly also reduce the noise level of the device during use. The combination of references does not teach or suggest such a feature. Therefore, the combination of Henriquez deBlois and Palaikis does not teach or suggest all of the limitations of Applicants' claims 1 and 4-8. Since a *prima facie* case of obviousness has not been established, Applicants respectfully contend that this rejection should be withdrawn.

**D. The Rejection of Claims 1, 5-8 and 15-18 over Lancaster in view of deBlois and Stima or Palaikis.**

Claims 1, 5-8 and 15-18 have been rejected under 35 U.S.C. Section 103(a) as being unpatentable over U.S. Patent 4,299,004 issued to Lancaster et al. (hereinafter "Lancaster") in view of deBlois further in view of either Stima or Palaikis. Applicants respectfully traverse this rejection. The combination of Lancaster, deBlois and either Stima or Palaikis does not establish a *prima facie* case of obviousness because it does not teach or suggest all of Applicants' claim limitations. Therefore, Applicants contend that the claimed invention is unobvious and that the rejection should be withdrawn.

The combination of Lancaster, deBlois and either Stima or Palaikis does not teach or suggest all of Applicants' claim limitations and therefore, does not establish a *prima facie* case of

Appl. No. 10/027,647  
Atty Docket No. AA511  
Response dated March 16, 2005  
Reply to Office Action dated December 16, 2004

obviousness (see MPEP 2143.03). Specifically, the combination of references does not teach or suggest a vibration buffer located between the scrubbing surface and the electromechanical motor, as claimed by Applicants. The device disclosed by Lancaster does not include such a feature. Neither does deBlois. Stima and Palaikis do not disclose motorized devices at all. As explained in Applicants' specification, a vibration buffer may significantly enhance the amount of time which the device can be comfortably used and may significantly also reduce the noise level of the device during use. The combination of references does not teach or suggest such a feature. Therefore, the combination of Lancaster, deBlois and either Stima or Palaikis does not teach or suggest all of the limitations of Applicants' claims 1, 5-8 and 15-18. Since a *prima facie* case of obviousness has not been established, Applicants respectfully contend that this rejection should be withdrawn.

E. The Rejection of Claim 14 over Lancaster in view of deBlois.

Claim 14 has been rejected under 35 U.S.C. Section 103(a) as being unpatentable over Lancaster in view of deBlois. Applicants respectfully traverse this rejection. The combination of Lancaster and deBlois do not establish a *prima facie* case of obviousness because it does not teach or suggest all of Applicants' claim limitations. Therefore, Applicants contend that the claimed invention is unobvious and that the rejection should be withdrawn.

The combination of Lancaster and deBlois does not teach or suggest all of Applicants' claim limitations and therefore, does not establish a *prima facie* case of obviousness (see MPEP 2143.03). Specifically, the combination of references does not teach or suggest a vibration buffer located between the scrubbing surface and the electromechanical motor, as claimed by Applicants. The device disclosed by Lancaster does not include such a feature. Neither does deBlois. As explained in Applicants' specification, a vibration buffer may significantly enhance the amount of time which the device can be comfortably used and may significantly also reduce the noise level of the device during use. The combination of references does not teach or suggest such a feature. Therefore, the combination of Lancaster and deBlois does not teach or suggest all of the limitations of Applicants' claim 14. Since a *prima facie* case of obviousness has not been established, Applicants respectfully contend that this rejection should be withdrawn.

IV. Additional Comments.

On page 8 of the last Office Action, it is stated: "Applicant, in his zeal to merely contradict every assertion of the examiner, has lost sight of the fact that the terms of the claims are defined by their ordinary meaning in the art unless further defined in the specification as

Appl. No. 10/027,647  
Atty Docket No. AA511  
Response dated March 16, 2005  
Reply to Office Action dated December 16, 2004

originally filed." First, Applicants regret giving the impression that they were "merely contradicting every assertion of the examiner." This is not Applicants' intent. Instead, the Applicants are properly attempting to argue that the prima facie cases of obviousness have not been established through analysis of the references as a whole. Support for this concept is found in MPEP 2141, in the section entitled "Basic Considerations Which Apply To Obviousness Rejections." Item (B) states: The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination. Applicants have attempted to make well-reasoned arguments and are not reacting out of "zeal." Applicants regret any misperception on this matter.


Secondly, Applicants respectfully contend that the introduction of an extrinsic reference regarding the definition of "nonwoven" was proper. As stated in the MPEP 2111.01 II: "Plain Meaning" refers to the ordinary and customary meaning given to the term by those of ordinary skill in the art. This section of the MPEP supports the position that extrinsic evidence can be submitted to establish the plain and ordinary meaning to one of ordinary skill in the art. Applicants' submission of ISO 9092:1988 was intended to do that.

In any event, Applicants submit that the amendments to independent claims 1, 7, 14 and 15 clearly distinguish over the cited references.

V. Summary.

In view of the foregoing, reconsideration of the rejections and allowance of all claims are respectfully requested.

Respectfully submitted,  
LUCIO PIERONI, ET AL.

By   
Brent M. Peebles  
Attorney for Applicant(s)  
Registration No. 38,576  
(513) 627-6773

March 16, 2005  
Customer No. 27752